

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1-23 are currently pending. Claims 21-23 are new.

Applicants note the objection to the drawings. A replacement sheet of Figure 1, wherein the PTS 158 has been changed to PMT 160 is submitted herewith for the Examiner's review.

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Applicants' "admitted prior art" in view of R. Rong publication ("Web-based expert system for automated DSL loop qualification"). Applicants respectfully disagree for at least the reasons described below.

Initially, Applicants respectfully submit that there is no prior art admitted by the Applicants in the section of the specification cited by the Examiner. The section cited by the Examiner (Applicants' specification, page 2, line 12 to page 4, line 11) merely provides a general background discussion of DSL maintenance and provisioning. No specific prior art is discussed therein.

More significantly, Applicants' amended claim 1 combination includes, among other steps, "processing the information relating to provisioning DSL services to identify delays in provisioning DSL services; and reporting a delay" (emphasis added). The Background section of this application (which is not prior art) does not discuss this feature. Moreover, the R. Rong publication (hereinafter "Rong") is primarily concerned with an automated DSL loop qualification system. It is respectfully suggested that Rong neither teaches nor suggests, in the cited sections,

to "identify delays in provisioning DSL services" as set forth, among other things, in Applicants' amended claim 1 combination.

Additionally, since identifying delays in provisioning DSL services is neither taught nor suggested in Rong or the alleged "admitted prior art", reporting the delay is also neither taught nor suggested as described in Applicants' amended claim 1 combination.

Similar arguments apply to independent claims 9 and 15 as well as dependent claims 2-8, 10-14 and 16-20.

Additionally, many of the dependent claims have features that were not addressed in the Official Action, and are not described by Rong. More specifically features of dependent claims 4 and 8 are not described by Rong. Amended dependent claim 4 states:

"The method of claim 1, wherein processing the information relating to provisioning DSL services to identify delays in provisioning DSL services, comprises calculating the time required to perform acts associated with provisioning DSL service."

The cited sections of Rong do not describe "calculating the time required to perform acts associated with provisioning DSL service" nor does the Office Action point to any portions of Rong which are alleged to teach this. Dependent claim 8 states:

"The method of claim 1, wherein the step of querying DSL network elements for information associated with provisioning DSL services comprises querying for at least one of the following: data indicating the time a request to make a cross connect was received at a multiplexor; data indicating the time a cross connect was made in a multiplexor; data indicating the time a request to provision a DSL service was received at an EMS; data indicating the time an EMS completed responding to a request to provision a DSL service; data indicating the time an action was taken by an EMS in response to a request to provision a DSL service; data indicating the time a request to establish a cross connect was received at an ATM switch; data indicating the time a cross connect was completed at an ATM switch; data indicating the time a request to provision a DSL service was received at an NMS; data

indicating the time an action was taken by an NMS in response to a request to provision a DSL service; and data indicating the time a request to provision a DSL service was completed at an NMS."

Applicants' claim 8 combination describes a query for data associated with provisioning DSL services. However the Office Action has not pointed out where Rong teaches or suggests any of the alternate data types listed in claim 8.

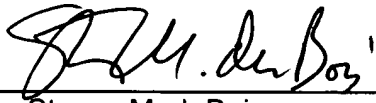
Accordingly reconsideration and withdrawal of the rejection of claims 1-20 under 35 U.S.C. § 103(a) over Applicants' "admitted prior art" in view of Rong are respectfully requested.

New claims 21-23 have been added to provide additional claim coverage for the present invention. More specifically, claim 21 describes wherein the information relating to provisioning DSL services further comprises routing an order for DSL service and configuring network elements to create a permanent virtual circuit. Neither routing an order for DSL service nor configuring network elements to create a permanent virtual circuit are described by Rong. It is respectfully submitted that the newly submitted claims are also patentably distinguishable from the documents of record.

All of the objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that this application is in condition for allowance and a notice to that effect is earnestly solicited. Should the Examiner have any questions regarding this response or the application in general, he is invited to contact the undersigned at (540) 361-1863.

Respectfully submitted,

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Date: January 3, 2006

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